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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/539,859	03/30/2000	PAUL KUPRIONAS	FIS990239US1	8359
29505	7590	11/15/2004		
DELIO & PETERSON, LLC 121 WHITNEY AVENUE NEW HAVEN, CT 06510			EXAMINER KENDALL, CHUCK O	
			ART UNIT	PAPER NUMBER

2122

DATE MAILED: 11/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Best Available Copy

Advisory Action

Application No.

09/539,859

Applicant(s)

KUPRIONAS, PAUL

Examiner

Chuck Kendall

Art Unit

2122

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 19 August 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ they raise the issue of new matter (see Note below);
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, ~~the proposed amendment(s)~~ a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: 2 and 10.Claim(s) rejected: 1,3-9 and 11-20.

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____


Art Unit: 2122

Advisory Action

Applicant argues on page 19 of response dated 8/19/2004 that Corbin doesn't disclose "verifying listing of the end user computer identifier in the network computer database" and "based on the verification that the end user computer identifier is listed in the network computer database, downloading said software from the network computer program storage device."

Regarding Corbin not disclosing verifying listings of the end users computer id and based on verification downloading said software, Examiner believes that Corbin does in fact disclose this limitation. In column 2 line 60 to column 3 line 7, Corbin "...in the preferred embodiment...finds the correct license token...transmits the license token to the licensing library...the licensing library coupled to the software application verify the license information..." (Empahsis added), and hence Examiner believes the limitations as disclosed in Corbin to be equivalent to Applicant's limitation of verifying using an ID as indicated above in Applicant's argument.

Regarding Applicants argument that prior art does not disclose that the unique computer id is selected from the group consisting of a BIOS serial number, Examiner agrees and has withdrawn the rejections in claims 2 and 10. However, claims 2 and 10 are being objected to for being dependent upon a previously rejected base claim.



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